

**Exhibit A**

IN THE CIRCUIT COURT FOR THE CITY OF ST. LOUIS  
STATE OF MISSOURI

Thomas Parks,

Plaintiff,

vs.

Barnes-Jewish Hospital,

Defendant.

Case No.

**JURY TRIAL DEMANDED**

**PETITION**

1. Plaintiff sues under Title VII of the Civil Rights Act of 1964 for race discrimination and under Mo.Rev.Stat. § 287.780 for workers' compensation retaliation.

**Jurisdiction, Venue, and the Parties**

2. The amount in controversy exceeds \$25,000.
3. Plaintiff is African American.
4. Plaintiff is a Missouri citizen, residing and physically present in Missouri and possessing an indefinite intention to remain.
5. Defendant is a Missouri citizen, incorporated in Missouri and with its principal place of business in Missouri.

**Administrative Process**

6. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC). Ex.1.
7. On August 26, 2020, EEOC ended its administrative process and issued plaintiff a notice of right to sue. Ex.2.
8. Plaintiff exhausted all administrative prerequisites to suit.

### **Allegations**

9. Plaintiff worked as a public safety officer for Defendant from April 2018 through November 25, 2019.
10. Shortly before plaintiff's termination, on November 21, 2019, plaintiff was restraining a noncooperative patient and was injured while doing so.
11. Plaintiff notified his supervisor of the injury and completed a report of injury.
12. Plaintiff's supervisor sent plaintiff to Occupational Health for medical treatment because of plaintiff's injury.
13. Plaintiff's doctor ultimately took plaintiff off work for a week due to his injuries.
14. Plaintiff made a Claim for Compensation with the Missouri Department of Labor and Industrial Relations, Division of Workers' Compensation.
15. On November 25, 2019, while plaintiff was off work due to his injury, defendant fired him.
16. The person who fired plaintiff, his supervisor, is white.
17. Defendant claimed to fire plaintiff for sleeping on the job.
18. Plaintiff did not sleep on the job.
19. Defendant has found other, non-African American public safety officers sleeping on the job and has not fired them.
20. Upon information and belief, defendant has found other employees, who had not filed workers' compensation claims, sleeping on the job and has not fired them.
21. Defendant tolerated conduct as egregious or worse than sleeping on the job from non-African American employees yet did not fire them.
22. Defendant tolerated conduct as egregious or worse than sleeping on the job from employees that did not file claims for workers' compensation yet did not fire them.

23. Plaintiff's claim for workers' compensation, and his absence from work because of his injury, inconvenienced defendant.
24. Upon information and belief, plaintiff's claim for workers' compensation and his injury cost defendant money.

**Count I—Race Discrimination**

25. Plaintiff incorporates Paragraphs 1 through 24.
26. Defendant fired plaintiff because of his race, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2.
27. As a direct and proximate result of defendant's termination of plaintiff's employment, plaintiff has and will continue to suffer damages including lost wages, benefits, and emotional distress.

**Count II—Workers' Compensation Retaliation**

28. Plaintiff incorporates Paragraphs 1 through 24.
29. Plaintiff exercised rights under Missouri's Workers' Compensation Act, Mo.Rev.Stat. § 287.010, *et seq.*
30. Defendant fired plaintiff because he exercised rights under Missouri's Workers' Compensation Act.
31. As a direct and proximate result of defendant's termination of plaintiff's employment, plaintiff has and will continue to suffer damages including lost wages, benefits, and emotional distress.

WHEREFORE, plaintiff asks the Court to enter its Order, Judgment, and Decree awarding him reinstatement, or equitable front pay in lieu thereof, lost income and benefits, compensatory damages, attorneys' fees and costs, and any other relief the Court deems just.

/s/ Joshua M. Pierson  
SilversteinWolf, LLC  
Joshua M. Pierson, 65105  
jp@silversteinwolf.com  
Jill A. Silverstein, 34433  
js@silversteinwolf.com  
530 Maryville Centre Dr., Suite 460  
St. Louis, Missouri 63141  
Telephone: (314) 744-4010  
Facsimile: (314) 744-4026

*Attorneys for the Plaintiff*

02/21/2020 12:40

314--776-6261

FEDEX OFFICE

4701

PAGE 01

EEOC Form 5 (5/01)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☒ FEPA E- 02/20-51921☒ EEOC 28E-2020-00519C**Missouri Commission On Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Home Phone (incl. Area Code)

Date of Birth

Thomas Parks Jr

Street Address

City, State and ZIP Code

County

St. Louis

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Barnes Jewish Hospital c/o Christine M. Ramatowski, Legal Services Department

No. Employees, Members

15+

Phone No. (Include Area Code)

314-454-8119

Street Address

216 South Kingshighway Suite 1401

City, State and ZIP Code

St. Louis, MO 63110

DISCRIMINATION BASED ON (Check appropriate box(es).)



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

11/25/19



CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I had worked for BJC for about 2 years in Security. Around November 25, 2019, I was accused of sleeping while I was at the monitors. I was not sleeping and Respondent could tell this by looking at the video, however, they fired me for sleeping on the job. However, there was another employee, LaDodge, who had fallen asleep for 3 hours and the supervisors had called an emergency code because he would not answer his radio and he was not discharged. I believe I was discharged due to my race, black and color.

I was discharged due to my race, black and color.

1. I was accused of sleeping while on the job but I was not sleeping and they saw the video to prove it.
2. Another employee had been sleeping on the job for 3 hours, and an emergency call was placed to find him by management and he was not discharged. He was Asian.

As remedy, I desire an end to the discrimination and anything else the Commission deems just and proper.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

X

X

2/21/2020

Date

Charging Party Signature

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY

(month, day, year)

Missouri Commission on Human Rights  
Jefferson City Office

FEB 21 2020

FILED



EEOC Form 161 (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Thomas Parks, Jr.

From: St. Louis District Office  
1222 Spruce Street  
Room 8.100  
Saint Louis, MO 63103On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

28E-2020-00519

Joseph J. Wilson,  
State & Local Program Manager

(314) 798-1930

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Lloyd J. Vasquez, Jr.,  
District Director

AUG 26 2020

(Date Mailed)

Enclosures(s)

cc:

BARNES JEWISH HOSPITAL  
Attn: Tracy Elzemeyer, Sr. Counsel Legal Services  
4901 Forest Park Ave., Suite 1140  
Mailstop 90-75-573;  
Saint Louis, MO 63108

IN THE CIRCUIT COURT FOR THE CITY OF ST. LOUIS  
STATE OF MISSOURI

Thomas Parks,

Plaintiff,

vs.

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Defendant.

Case No.

**JURY TRIAL DEMANDED**

**ENTRY OF APPEARANCE**

COMES NOW Joshua M. Pierson and hereby enters his appearance as counsel for Plaintiff, Thomas Parks, in the above-captioned case.

/s/ Joshua M. Pierson  
SilversteinWolf, LLC  
Joshua M. Pierson, 65105  
jp@silversteinwolf.com  
Ferne P. Wolf, 29326  
fw@silversteinwolf.com  
Jill A. Silverstein, 34433  
js@silversteinwolf.com  
530 Maryville Centre Dr., Suite 460  
St. Louis, Missouri 63141  
Telephone: (314) 744-4010  
Facsimile: (314) 744-4026  
*Attorneys for the Plaintiff*

**Certificate of Service**

I certify that on November 12, 2020, a copy of the above Entry of Appearance was served, using the ECF system through which all counsel of record will be notified of its filing.

/s/ Joshua M. Pierson

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Thomas Parks,

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**ENTRY OF APPEARANCE**

COMES NOW Jill A. Silverstein and hereby enters her appearance as counsel for Plaintiff, Thomas Parks, in the above-captioned case.

/s/ Jill A. Silverstein  
SilversteinWolf, LLC  
Jill A. Silverstein, 34433  
js@silversteinwolf.com  
Joshua M. Pierson, 65105  
jp@silversteinwolf.com  
Ferne P. Wolf, 29326  
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/s/ Jill A. Silverstein



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Plaintiff,

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Case No.

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**ENTRY OF APPEARANCE**

COMES NOW Ferne P. Wolf and hereby enters her appearance as counsel for Plaintiff,  
Thomas Parks, in the above-captioned case.

/s/ Ferne P. Wolf  
SilversteinWolf, LLC  
Ferne P. Wolf, 29326  
fw@silversteinwolf.com  
Jill A. Silverstein, 34433  
js@silversteinwolf.com  
Joshua M. Pierson, 65105  
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*Attorneys for the Plaintiff*

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/s/ Ferne P. Wolf

In the  
**CIRCUIT COURT**  
 City of St. Louis, Missouri



For File Stamp Only

Thomas Parks

Plaintiff/Petitioner

November 12, 2020

Date

vs.

Barnes-Jewish Hospital

Defendant/Respondent

Case number

Division

**REQUEST FOR APPOINTMENT OF PROCESS SERVER**

Comes now Plaintiff, Thomas Parks, pursuant  
 Requesting Party

to Local Rule 14, requests the appointment by the Circuit Clerk of

Stephen R. Waters 1909 Tanner Bridge Road, Jefferson City, Missouri 65101 (573) 645-0627  
 Name of Process Server Address Telephone

Name of Process Server Address Telephone

Name of Process Server Address Telephone

to serve the summons and petition in this cause on the below named parties.

SERVE: (Barnes-Jewish Hospital)

R/A: CSC-Lawyers Incorporating Service Company

Name

221 Bolivar Street

Address

Jefferson City, Missouri 65101

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Appointed as requested:

**TOM KLOEPPINGER**, Circuit Clerk

By

Deputy Clerk

Date

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Attorney/Plaintiff/Petitioner

65105

Bar No.

530 Maryville Centre Dr., Ste 460, St. Louis, MO 63141

Address

(314) 630-0758

Phone No.

2022-CC10302

In the  
**CIRCUIT COURT**  
 City of St. Louis, Missouri



For File Stamp Only

Thomas Parks

Plaintiff/Petitioner

November 12, 2020

Date

vs.

Barnes-Jewish Hospital

Defendant/Respondent

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221 Bolivar Street  
 Address  
Jefferson City, Missouri 65101  
 City/State/Zip

SERVE:

Name

Address

City/State/Zip

Appointed as requested:

**TOM KLOEPPINGER**, Circuit Clerk

By

Deputy Clerk

Date

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

[Signature]  
 Attorney/Plaintiff/Petitioner  
65105

Bar No.

530 Maryville Centre Dr., Ste 460, St. Louis, MO 63141

Address

(314) 630-0758

Phone No.

**SPECIAL PROCESS SERVER****IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI**

Judge or Division: REX M BURLISON	Case Number: 2022-CC10302	Special Process Server 1
Plaintiff/Petitioner: THOMAS PARKS	Plaintiff's/Petitioner's Attorney/Address JOSHUA MICHAEL PIERSON 530 MARYVILLE CENTRE DR. SUITE 460 ST. LOUIS, MO 63141	Special Process Server 2
Defendant/Respondent: BARNES-JEWISH HOSPITAL	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	Special Process Server 3
Nature of Suit: CC Employmnt Discrmntn 213.111		(Date File Stamp)

**Summons in Civil Case****The State of Missouri to: BARNES-JEWISH HOSPITAL****Alias:**

CSC - LAWYERS INC SERVICES CO  
221 BOLIVAR STREET  
JEFFERSON CITY, MO 65101  
**COURT SEAL OF**

**CITY OF ST LOUIS**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

**November 17, 2020**

Date

Clerk

Further Information:

**Sheriff's or Server's Return****Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other: \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary  
Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.